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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/234,255	01/20/1999	STEVEN L. WEBB	10980134-1	6354

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EXAMINER

JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/234,255

Applicant(s)

WEBB ET AL.

Examiner

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall, Jr. et al. (pat. # 5,805,166), referred to as Hall.

Claim 1 is rejected. The Applicant teaches, "a progress area used to indicate the progress of a process being monitored" while Hall demonstrates a window wherein the user can monitor the progress of a process (fig. 2a – 2b; col. 5, lines 20 – 30). Both provide a graphical area for tracking progress. The Applicant teaches "a progress indicator that divides the progress area into a first part of the progress area and a second part of the progress area, where the first part of the progress area corresponds to the amount of completion of the process being monitored." Hall an indicator within the display bar designated for tracking progress (fig. 2a – 2b; col. 5, lines 20 – 30). The area located left of the said indicator is used for tracking completion. The Applicant teaches, "information, in addition to the progress of the process, visibly in the first part of the progress area." Hall teaches display areas containing information regarding the data being processed (fig. 2b). This information on the window graphic can be interpreted as being a part of the said first part of the progress area when the progress area is interpreted as being the entire window. It would have been obvious to one with

ordinary skill in the art at the time of the invention for information in addition to the progress of the process visibly display in the first part of the progress area because doing so can provide the user relevant information while using screen space more efficiently.

Claim 2 is rejected. Hall teaches a progress area in the form of a rectangle (fig. 2a - 2b). The "progress indicator" bar takes on the form of a rectangle.

Claim 5 is rejected. Hall teaches the first part of the progress area in a first color and the second part of a progress area in a second color and the progress indicator defined by the change in color between the first and second part of the progress bar (fig. 2b). The portion of the "progress indicator" bar indicating the portion of the process having been completed is darker than the remaining portion of the said "progress indicator" bar. This darkening is a change in color.

Claim 6 is rejected. Hall teaches a progress indicator being a line dividing the first part of the progress area from the second part of the progress area (fig. 2a - 2b). The vertical line found within the indicator bar is the "line" dividing the first part of the progress area from the second part of the progress area. This "line" is the actual progress indicator.

Claim 8 is rejected. Hall demonstrates in the figure a progress indicator that moves in a linear direction (fig. 2a - 2b; col. 5, lines 20 - 30).

Claim 10 is rejected. Hall teaches the rationale of the first three steps of claim 10 in rejected claim 1. Hall teaches a progress bar where progression is displayed (fig. 1b). When the process is through processing, the system stops processing (fig. 1b; col.

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3, lines 30 - 35). It would have been obvious to one with ordinary skill in the art at the time of the invention to discontinue processing once the assigned processing is completed because doing so is the widely accepted practice in the art whenever a file of data is undergoing processing.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (pat. # 5,805,166) as applied to claim 7 above, and further in view of MS Outlook 97.

Claim 7 is rejected. Hall fails to teach any type of uncovering that is the next line of text in a story. MS Outlook calendar provides a scroll bar that allows for the progressing through a calendar wherein the user can view a history (p. 23). The Applicant fails to describe the type of "story " accessed. Further, the claim language does not require the story progression to be automatic and free from human intervention. Activating the scroll feature does bring about a procession of progress. It would have been obvious to one with ordinary skill in the art at the time of the invention to uncover the next line of a text in a story because doing so allows the user to view forthcoming events.

Claim 3, 4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (pat. # 6,038,588) as applied to claim 1 above, and further in view of Marks (pat. # 6,097,390).

Claims 3 and 4 are rejected. Hall fails to teach progress area taking on the shape of a half circle or half ellipse. Marks suggest, teach, or demonstrate the displaying the flow of data using a partly circular or partly elliptical display (fig. 4a, 5a, 4c, 5c). It would have been obvious to one with ordinary skill in the art at the time of the

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invention to provides a progress area that is either a half circle or a half ellipse because doing so provides a progress indicator representative of a traditional analog progress indicator.

Claim 9 is rejected. Hall fails to teach an indicator that can be considered angular. Marks teach an indicator that can be considered angular (fig. 4a, 5a, 4c, 5c). The cursor like progress indicators taught by Marks uses an angle based symbol to indicate to the user progress. It would have been obvious to one with ordinary skill in the art at the time of the invention to provide a progress indicator that is angular because doing so resembles a traditional analog progress indicator.

Response to Arguments

4. Applicant's arguments filed 2-1-2002 have been fully considered but they are not persuasive. The Applicant request reconsideration of the rejection of claims 1 – 10.

The Applicant responds to the rejection of independent claims 1 – 10. The Applicant asserts that Hall fails to teach a distinct first and second progress area. The Applicant asserts that Hall only shows additional information near or next to the progress area. The Examiner responds by stating that Applicant fails to describe the distinction of the first and second areas. Further, the Examiner states that the rectangular progress bar taught by Hall is the first progress area while the icons located near the said progress area is the second progress area.

The Applicant asserts that dependent claims 2 – 9 are allowable due to the same reasons as independent claims. The Examiner states that the Applicant provides no further reasoning supporting the withdrawing of the previous rejection.

Due to at least the above reasons, the rejection of claims 1 – 10 remains standing.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj
March 12, 2002

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100